Revised 8/13/04 JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers **DISTRICT OFFICE:** New Orleans FILE NUMBER: MVN-2007-1245-EII PROJECT LOCATION INFORMATION: Louisiana State: Parish: **Plaquemines** Center coordinates of site (latitude/longitude): 29°32'34.2" 89°53'32.3" Approximate size of area (parcel) reviewed, including uplands: .2 acres. Name of nearest waterway: Hermitage Bayou Mississippi River Name of watershed: JURISDICTIONAL DETERMINATION Date: 4-9-7 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

Ø	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
X	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
	(6) The presence of territorial seas.
$\overline{\mathbf{X}}$	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).

The activity will occur in shallow open water and in wetlands in and around Hermitage Bayou in Plaquemines Parish.

Basis1245 2

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    Clear, natural line impressed on the bank   Oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   tidal gages   Other:										
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.										
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepa										
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:										
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>										
	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law:  Other information (please specify):										

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** New Orleans **FILE NUMBER:** MVN 2007-1343 EMM

St Pa Co Ay N	ate: Lo arish: Pla enter coordinate oproximate size	ON INFORMATION: uisiana aquemines ss of site (latitude/longitu of area (parcel) reviewe waterway: Grand Bayou ed: Mississippi Rive	d, including	29-30-14.99 / 89-46-11.76 g uplands: 0.1 acres.				
	ompleted: De	DETERMINATION esktop determination te visit(s)		Date: April 11, 2007 Date(s):				
Jı	risdictional De	etermination (JD):						
	United State	JD - Based on available s" and/or "navigable wat 33 CFR part 331).	information ers of the U	there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable				
Þ	Approved JI Check all the		appealable	e action (Reference 33 CFR part 331).				
	☑ There are the reviewed	e "navigable waters of the larea. Approximate size	e United So of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:				
	☐ There ar			nte waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.				
BASIS	OF JURISDI	CTIONAL DETERMI	NATION:					
A	Waters defi The presence	ned under 33 CFR par e of waters that are subje	t 329 as "n ct to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.				
	<ul> <li>Waters defined under 33 CFR part 328.3(a) as "waters of the United States":</li> <li>(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> </ul>							
	sandflats, we destruction (i) whice [ (ii) from	etlands, sloughs, prairie pof which could affect into the are or could be used by the which fish or shellfish	ootholes, we erstate come y interstate are or could	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce.				
	(4) Impound (5) The pres (6) The pres	lments of waters otherwi ence of a tributary to a w ence of territorial seas.	se defined a ater identif	as waters of the US.				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).

A Section 10 water.

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)									
	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Undetermined  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Undetermined									
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.									
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:									
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:									
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Deological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute									

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** New Orleans **FILE NUMBER:** MVN 2007-1346 EOO

State Pari Cen App Nan	sh: Tangipahoa ter coordinates of site (latito proximate size of area (parcone of nearest waterway: Ow	ude/longitude): el) reviewed, includin	30-19-23 / 90-24-38 g uplands: .01 acres.					
	ICTIONAL DETERMIN npleted: Desktop determi Site visit(s)		Date: April 9, 2007 Date(s):					
Juri	isdictional Determination	(JD):						
	Preliminary JD - Based on	available information	n, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable					
×	Approved JD – An approv Check all that apply:	ved JD is an appealable	e action (Reference 33 CFR part 331).					
	There are "navigable with the reviewed area. Approxi		tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area:					
	Material There are "waters of the reviewed area. Approximately area. ■		defined by 33 CFR part 328 and associated guidance) within the nal area: .01 acres.					
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.							
	The presence of waters that	CFR part 329 as "nat are subject to the eb	navigable waters of the United States":  bb and flow of the tide and/or are presently used, or have been used in ord interstate or foreign commerce.					
B.	(1) The presence of waters interstate or foreign comm (2) The presence of interst (3) The presence of other sandflats, wetlands, slougl destruction of which could (i) which are or could (ii) from which fish or	s, which are currently nerce, including all waters including waters such as intrastins, prairie potholes, water affect interstate combe used by interstate or shellfish are or coul	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands.  ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce.					
	<ul><li>(4) Impoundments of wate</li><li>(5) The presence of a tribut</li><li>(6) The presence of territor</li></ul>	ers otherwise defined stary to a water identi orial seas.	as waters of the US.					
Rat	Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).							

Rationale for the Basis of Garistictional Betti mination (applies to any Boxes enecked above

Wetlands adjacent to Lake Maurepas and Owl Bayou.

Basis wetl	lands_1346   eral Extent of Jurisdiction: (Reference: 33 CFR parts   328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   clear, natural line indicated by:    clear, natural line impressed on the bank   clear, natural line indicated by:   cl
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:    Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.   Artificially irrigated areas, which would revert to upland if the irrigation ceased.   Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.   Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.   Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).   Isolated, intrastate wetland with no nexus to interstate commerce.   Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:   Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:   Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. A Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** New Orleans **FILE NUMBER:** MVN 2007-1347 EOO

Sta Par Cer App Nai	te: ish: nter coordi proximate	Louisiana Jefferson nates of sit size of are est waterw			29-16-21.47 / 89-56-31.54 guplands: .03 acres.
			RMINATION determination (s)		Date: April 9, 2007 Date(s):
Jui	isdictiona	ıl Determi	nation (JD):		
	United S	States" and			, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$		d JD – An Il that appl		appealable	action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: .03 acres.
			ers of the United Sta proximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area: .03 acres.
	te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.				
Α.	Waters The pres	defined un ence of wa	iters that are subject	329 as "na to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in  nt interstate or foreign commerce.
B. ⊠	(1) The printerstate	presence of e or foreign	f waters, which are on commerce, including	currently uing all wat	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.
=	(3) The part sandflats destructi (i) (i) v	presence o s, wetlands ion of whic which are of from whic	, sloughs, prairie po ch could affect inters or could be used by h fish or shellfish ar	as intrastate of tholes, we state committee the committee of could	the lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.  Il purposes by industries in interstate commerce.
	(5) The p (6) The p	presence of presence of	f territorial seas.	ter identifi	s waters of the US. ed in (1) – (4) above. vaters of the US, except for those wetlands adjacent to other wetlands.
Ra	tionale for	r the Basis	of Jurisdictional l	Determina	ation (applies to any boxes checked above).

A Section 10 water.

cral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: Undetermined  □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other: Undetermined
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page  Applicable/supporting case law:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** New Orleans **FILE NUMBER:** MVN 2007-1363 EOO

PROJEC Stat Pari								
Cen App Nan	ter coordinates of si roximate size of are ne of nearest waterv	te (latitude/longitude ea (parcel) reviewed, vay: Lake Pontchartr Lake Pontchartrain	including ain	30-10-25 / 89-44-36 uplands: 4.13 acres.				
	ICTIONAL DETE npleted: Desktop Site visit	determination		Date: April 9, 2007 Date(s):				
Jur	isdictional Determ	ination (JD):						
		l/or "navigable water		, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable				
	Approved JD – Ar Check all that appl	• •	ppealable	action (Reference 33 CFR part 331).				
				ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 4.13 acres.				
	☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4.13 acres.							
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	Waters defined u The presence of wa	aters that are subject	329 as "na to the ebb	avigable waters of the United States":  and flow of the tide and/or are presently used, or have been used in  t interstate or foreign commerce.				
B. ⊠	<ul><li>(1) The presence of interstate or foreign</li><li>(2) The presence of</li></ul>	of waters, which are of n commerce, including if interstate waters in	currently using all wat cluding in					
	sandflats, wetlands destruction of which are (i) which are (ii) from which	s, sloughs, prairie po ch could affect inters or could be used by i th fish or shellfish ar	tholes, we state comm interstate of e or could	te lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.				
	<ul><li>(4) Impoundments</li><li>(5) The presence of</li><li>(6) The presence of</li></ul>	of waters otherwise of a tributary to a wat of territorial seas.	defined a er identifi					
Rat	ionale for the Basi	s of Jurisdictional I	Determina	ation (applies to any boxes checked above).				

A Section 10 water.

	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: Undetermined  □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: Undetermined
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	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):  REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** New Orleans FILE NUMBER: MVN-2007-1368-EII PROJECT LOCATION INFORMATION: State: Louisiana Parish: **Plaquemines** 29°38'39" 89°44'59" Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 52.5 acres. Name of nearest waterway: Pontons Bay Name of watershed: Gulf of Mexico JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 4-5-7 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\overline{\text{N}}\) there appear to be (or) \(\overline{\text{T}}\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats. sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The activity will occur in shallow open water in Pontons Bay in Plaquemines Parish.

Basis 1368 2

DA

	Ordina  Continuous con	Attent of Jurisdiction: (Reference: 33 CFR parts of ary High Water Mark indicated by: clear, natural line impressed on the bank of the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	328 and 329)  High  Graph High  Graph High  Graph High  Graph High  Graph High  High	a Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
		High Water Mark indicated by: rvey to available datum; ☐ physical markings; [	☐ vegetation	lines/changes in vegetation types.
•	Wetla	nd boundaries, as shown on the attached wetland	delineation n	nap and/or in a delineation report prepared by:
Bas	The re Unable Headq The C	rice growing.  Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain v Water-filled depressions created in dry land inc the purpose of obtaining fill, sand, or gravel unline.	sis of 33 CFF the following onds or lagoo to upland if the g and/or dikin such purpose small ornami- vater for primited idental to con-	a part 328.3(a)(3).  waters present on the site are not Waters of the ns, pursuant to 33 CFR part 328.3.  The irrigation ceased.  If dry land to collect and seas stock watering, irrigation, settling basins, or cental bodies of water created arily aesthetic reasons.  Struction activity and pits excavated in dry land for
		Isolated, intrastate wetland with no nexus to int Prior converted cropland, as determined by the		
		Non-tidal drainage or irrigation ditches excavat Other (explain):	ed on dry land	l. Explain rationale:
	Maps, Data sl Th Th Data sl Corps' U.S. G U.S. G U.S. G USDA Nation State/L FEMA 100-ye Aerial Other p Advance Site vis Applic	wed for Jurisdictional determined by or on behalf of the at his office concurs with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath is office does not concur with the delineation report, dath in a with the delineation report, dath is office does not concur with the delineation graphs (Maure y 7.5 Minute Topographic maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and wetlands inventory maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and wetlands inventory maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and wetlands inventory maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and wetlands inventory maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and wetlands inventory maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and wetlands inventory maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and wetlands inventory maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and wetlands inventory maps: Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and Natural Resources Conservation Service Soil Survey 15 Minute Historic quadrangles and Natu	the applicant.  pplicant.  ed , pre  port, dated  ss:  cryey:	pared by (company): , prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

Date: 4-10-7 Date(s):

DISTRICT OFFICE: New Orleans FILE NUMBER: MVN-2007-1442-EII						
PROJECT LOCATION INFORMATION:						
State: Louisiana						
Parish: Plaquemines						
Center coordinates of site (latitude/longitude): 29°12'50.03" 89°0'59.52"						
Approximate size of area (parcel) reviewed, including uplands: 2.8 acres.						
Name of nearest waterway: South Pass						
Name of watershed: Gulf of Mexico						
HIDISDICTIONAL DETERMINATION						

## Jui

**BASIS** 

Completed: Desktop determination

	Site visit(s)	<u>₽</u> I	Date(s):				
risc	dictional Determination (JD	):					
Ţ				there appear to be no "waters of the e. A preliminary JD is not appealable			
	Approved JD – An approved J Check all that apply:	D is an appealable a	ction (Reference 33 CFR pa	rt 331).			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
_	There are "waters of the Useviewed area. Approximate s		-	d associated guidance) within the			
0	There are "isolated, non-na Decision s Jurisdictio	upported by SWAN		the reviewed area.  ormation Sheet for Determination of	No		
V	F JURISDICTIONAL DETE Waters defined under 33 CF. The presence of waters that are the past, or may be susceptible	R part 329 as "navi subject to the ebb a	nd flow of the tide and/or are	e presently used, or have been used in	n		
( in	Waters defined under 33 CF  1) The presence of waters, who interstate or foreign commerce  2) The presence of interstate was a second commerce.	ich are currently use including all water	ed, or were used in the past, or s which are subject to the eb	or may be susceptible to use in			

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The activity will occur in shallow open water in the Gulf of Mexico in Plaquemines Parish.

Basis1442 2

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
	Mean High Water Mark indicated by:  survey to available datum; physical markings; vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
DATA I	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):  REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

**DISTRICT OFFICE:** New Orleans FILE NUMBER: MVN 2007-1452 EOO

Stat		TION IN Louisiana Jefferson				
Cer App Nar	iter coordi	nates of sir size of are est waterw	te (latitude/longitud	, including	29-50-00.08 / 90-09-28.31 g uplands: .03 acres.	
			RMINATION determination (s)		Date: April 10, 2007 Date(s):	
Jur	isdictiona	ıl Determi	nation (JD):			
	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "water United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not approximately (Reference 33 CFR part 331).					
$\boxtimes$		d JD – An Il that appl		appealable	e action (Reference 33 CFR part 331).	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) we the reviewed area. Approximate size of jurisdictional area:					
			ers of the United Sta proximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area: .03 acres.	
	There	e are "isol			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.	
BASIS (	of Juris	SDICTIO	NAL DETERMIN	ATION:		
<b>A</b> .	The pres	ence of wa	iters that are subject	to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.	
В. П	(1) The printerstate	presence o e or foreign	f waters, which are	currently uing all wat	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. interstate wetlands.	
	sandflats destructi	s, wetlands on of whic	s, sloughs, prairie po ch could affect inter	otholes, we state comm	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.	
	(ii)     (iii)	from which which are	h fish or shellfish ai	re or could or industria	be taken and sold in interstate or foreign commerce.  Il purposes by industries in interstate commerce.	
	(5) The p (6) The p	presence of	f a tributary to a wa f territorial seas.	ter identifi	ted in (1) – (4) above.  waters of the US, except for those wetlands adjacent to other wetlands.	
Rat	tionale for	r the Basis	of Jurisdictional l	Determina	ation (applies to any boxes checked above).	

Wetlands adjacent to Bayou Segnette.

Basis wetl Lat	ands_1452   eral Extent of Jurisdiction: (Reference: 33 CFR parts   328 and 329)
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:    Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.   Artificially irrigated areas, which would revert to upland if the irrigation ceased.   Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.   Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.   Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).   Isolated, intrastate wetland with no nexus to interstate commerce.   Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:   Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:   Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: see Jurisdictional Determination Section at top of previous page  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.